

BWSC-NRD-2014-04
Upper Sudbury River Stream and Wetland Restoration

BWSC-NRD-2014-05
Habitat Restoration to Benefit Coldwater Fish in the Sudbury, Assabet, and Concord River Watershed

Response to Questions

Response to Questions regarding both BWSC-NRD-2014-04 and BWSC-NRD-2014-05

Q. Can you please provide a copy of the attendee lists for the above referenced grant application conferences?

Q. Will the sign in list be made available?

A. Yes. According to the sign-in sheet, attendees at the Applicants Conference held on August 5, 2014 for BWSC-NRD-2014-04 and BWSC-NRD-2014-05 were: Kerry Reed (kr@framinghamma.gov); Rob McArthur (rdm@framinghamma.gov); Joshua Phipps (joshua.phipps499@icloud.com); Derek Trunfio (Derek.trunfio@umit.maine.edu); Beth Rosenblum (broiseb@comcast.net); Nigel Pickering (npickering@horsleywitten.com); M.J. Selby (mjelby@ashlandmass.com); Alison Field-Juma (afieldjuma@oars3rivers.org); Brian Colleron (brian@polatineco.com); Ginger Esty (no email provided); Amber Carr (acarr@gmail.com); Robert Almy (almyr@wseinc.com); Doug Smithwood (Doug_Smithwood@fws.gov)

Q. Can I get a pdf of your presentation?

A. Yes. A PDF of the presentation made at the August 5, 2014 Applicants Conference has been posted on the MassDEP website: <http://www.mass.gov/eea/agencies/massdep/cleanup/nrd/nrd-restoration-funding-opportunities.html>.

Q. How will the evaluation criteria (benefit criteria and implementation criteria) be weighted and if a numerical weighting system will be used, what is the numerical weighting?

A. The details of the evaluation process are not disclosed during the procurement process. In general, the evaluation process for grants is not strictly a numerical scoring exercise that uses a rigid scoring and weighting methods. The process necessarily allows some flexibility so the Grant Review Team (GRT) can consider the merits of the applications both at a detailed level based on the individual criteria and sub-criteria, and of the project as a whole. MassDEP recommends that applicants provide complete information for the items requested in the Grant Announcement and Application (GAA) as succinctly and as thoroughly as possible, addressing the content and formats specified, particularly Section 3 of the GAA, and the provisions in Attachment B, Section B, and other information provided with the application.

Q. Can the proposed projects include costs for design of the project? Is there a set amount/% that is allowed for design?

A. Yes, the proposed projects can include costs for design; there is no pre-established amount/% allowed for design. Refer to the specific criteria for eligible projects which are listed in each GAA in Section 3 Eligibility.

Q. Are there specific reporting requirements?

A. Section 12 of ATTACHMENT C of the GAA, Supplemental Terms and Conditions, describes the reporting requirements.

Q. Can we submit the same project for both grants?

A. Yes, provided they meet the Eligibility and Evaluation criteria specified in each GAA.

Q. What about projects that involved fish passage/diadromous migratory fish?

A. A project needs to restore the injured natural resources and meet the Eligibility and Evaluation Criteria as specified in each GAA but can benefit multiple resources, including diadromous fish.

Q. Will you consider projects that control invasive species?

A. A project needs to restore the injured natural resources and meet the Eligibility and Evaluation Criteria as specified in each GAA but can involve different restoration actions.

Q. How will we ensure that a proposed project is not in an area that is contaminated?

A. Applicants are required to document existing or potential contamination from oil/hazardous materials or solid waste at the proposed project site on the Application Form provided in Attachment A.

Q. Will the Stratus Consulting, Inc. be allowed to submit a grant application for each of the above-referenced grants?

A. The specific criteria for eligible applicants are listed in each GAA in Section 3 Eligibility. Note that all applicants are also required to submit a Conflict of Interest Guidance and Disclosure Statement Form (Attachment D). Note that Attachment D requires that applicants with any relevant facts or circumstances which could give rise to an actual, potential, or appearance of a conflict of interest must submit a disclosure statement for evaluation as part of the Grant evaluation process. After submission of the applications, MassDEP may determine there is a conflict of interest, or may request more information from the applicant to make a final determination, or may determine there is not a conflict of interest.

Response to Questions regarding BWSC-NRD-2014-05

Q. Do you know whether a stormwater recharge project-- that would prevent stormwater from entering a coldwater stream and recharge baseflow instead--would be eligible for the Nyanza grant?

A. The specific criteria for eligible projects are listed in each Grant Application in Section 3 Eligibility.

Q. There seems to be an inconsistency with the designation of cold water fisheries. By the Grant announcement and the Nyanza Restoration Plan (RP), any stream or river that have or have had cold water fisheries are eligible. But the Surface water standards have designated certain rivers as Cold Water Fisheries. Please clarify.

A. The Massachusetts Surface Water Quality Standards (314 CMR 4.00) define a cold water fishery as “Waters in which the mean of the maximum daily temperature over a seven day period generally does not exceed 68°F (20°C) and, when other ecological factors are favorable (such as habitat), are capable of supporting a year-round population of cold water stenothermal aquatic life such as trout (salmonidae).” Section 4.06(7) of the Standards further states that “Certain waters not designated as cold water in 314 CMR 4.00 may contain habitat that supports a cold water fish population and, in such cases, the cold water fish population and habitat shall be protected and maintained as existing uses. The Massachusetts Division of Fisheries and Wildlife is responsible for identifying cold water fish populations that meet their protocol regardless of whether or not the water meets the cold water criteria in 314 CMR 4.00. Where a cold water fish population has been identified by the Division of Fisheries and Wildlife as meeting their protocol, but the water has not been documented to meet the cold water criteria in 314 CMR 4.00, the Department will protect the existing cold water fish population and its habitat as an existing use.” We encourage applicants to consult with the Massachusetts Division of Fisheries and Wildlife regarding rivers and streams that currently support, or historically supported, cold water fisheries (<http://www.mass.gov/eea/agencies/dfg/dfw/>).

Q. Since the funds are from two different sources that affect the Sudbury and Concord, can you not include the Assabet River watershed?

A. In accordance with the August 2012, Final Restoration Plan and Environmental Assessment (RP/EA) for the Nyanza Chemical Waste Dump Site, “For aquatic resource projects, primary emphasis has been given to restoration projects within and along the mainstem Sudbury River, because these locations are closest to the location of injury. Secondary emphasis has been given to projects that are located within and along the Assabet and Concord rivers but have a positive impact on the injured natural resources and/or their services that are located within, utilize, or historically utilized the Sudbury River Watershed.” Specifically, the RP/EA states in section 4.3.3 that the “Habitat Restoration to Benefit Coldwater Fish” “...project involves the identification and implementation of habitat restoration actions that would benefit coldwater fish populations in the SuAsCo Watershed.”

Q. Will you consider projects with a nexus to Nyanza - Great Meadows National Wildlife Refuge and increasing fish habitat?

A. Regarding nexus, see Section 3.D.1.b. of the GAA, and regarding injured resources, see Section 1.3 Summary of Natural Resource Injuries of the Final RP/EA of the Nyanza Chemical Waste Dump Site (<http://www.mass.gov/eea/docs/dep/cleanup/sites/nyrp.pdf>).

Q. Is the \$300,000 over all the years of the contract?

A. According to Section 5.B. of the GAA, “The base period of the grant contract is two (2) years with two (2) additional one-year renewal options, for a maximum grant contract period of four (4) years.” According to Section 5.C., “The total anticipated expenditures for restoration projects under this Grant Announcement are \$300,000.”

Q. Would MassDEP consider work performed to support the development of the Final Restoration Plan and Environmental Assessment (RP/EA) for the Nyanza Site to pose a conflict of interest for responding to this solicitation as an applicant or as a subcontractor?

A. Note that Attachment D requires that applicants with any relevant facts or circumstances which could give rise to an actual, potential, or appearance of a conflict of interest must submit a Conflict of Interest Disclosure Statement for evaluation as part of the Grant evaluation process. In submitting the Disclosure Statement, the applicant would need to disclose the work performed to support the development of the Final Restoration Plan and Environmental Assessment (RP/EA) for the Nyanza Site. After submission of the applications, MassDEP may determine there is a conflict of interest, or may request more information from the applicant to make a final determination, or may determine there is not a conflict of interest. The GRT and Trustee Council would then review and make a final determination regarding the applicant/application eligibility for the grant.

Response to Questions regarding BWSC-NRD-2014-04

Q. What was the name of the dam you mentioned specifically in conjunction with the GM settlement.

A. We referenced the name of the brook where natural resources were injured by the release of contaminants – it is called Beaverdam Brook – associated with the settlement referenced in BWSC-NRD-1024_04 “Upper Sudbury River Stream and Wetland Restoration.”